

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LUCKY STAR ENTERPRISES III,
11 LLC,

CASE NO. C21-1698JLR

ORDER

12 Plaintiff,

v.

13 WELLS FARGO BANK, N.A.,

14 Defendant.

15 Before the court is Plaintiff Lucky Star Enterprises III, LLC’s (“Lucky Star”)
16 notice of election to waive amendment of its complaint. (NOE (Dkt. # 15).) Lucky Star
17 initially filed this action in Snohomish County Superior Court on February 2, 2021, and
18 asserted five claims against Defendant Wells Fargo Bank, N.A. (“Wells Fargo”). (NOR
19 (Dkt. # 1) ¶ 1; Compl. (Dkt. # 1-1) ¶¶ 4.1-8.5.) After removing the case to this court,
20 Wells Fargo moved for dismissal under Federal Rule of Civil Procedure 12(b)(6). (See
21 NOR; Mot. (Dkt. # 6).) The court granted Wells Fargo’s motion, dismissed Lucky Star’s
22

1 second and fourth causes of action (Compl. ¶¶ 5.1-5.4, 7.1-7.4) with prejudice, and
2 dismissed Lucky' Star's first, third, and fifth causes of action (*id.* ¶¶ 4.1-4.5, 6.1-6.4,
3 8.1-8.5) without prejudice and with leave to amend within fourteen (14) days of the
4 court's February 11, 2022 order. (2/11/22 Order (Dkt. # 14) at 13.)

5 Lucky Star has declined to address the deficiencies that the court identified in its
6 first, third, and fifth causes of action and instead waives amendment of those claims.
7 (*See* NOE.) Accordingly, those claims are DISMISSED with prejudice and the Clerk is
8 DIRECTED to close this case. *See Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1108
9 (9th Cir. 2003) (affirming dismissal with prejudice where plaintiff declined to amend
10 deficient claims further).

11 Dated this 2nd day of March, 2022.



12
13 JAMES L. ROBART
14 United States District Judge
15
16
17
18
19
20
21
22